



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

VIA ELECTRONIC MAIL

March 16, 2017

Mr. Jeffrey J. Olyphant
Peabody Midwest Mining, LLC
566 Dickeyville Road
Lynnville, Indiana 47619

Dear Mr. Olyphant:

Re: NPDES General Permit No. ING040190
IDNR Permit Nos. S-322
Peabody Midwest Mining, LLC –
Somerville Central Mine
8278 S. County Road 850 E.
Elberfeld, Indiana 47613
Gibson County

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7.

We have reviewed the NOI and have determined that the mining activities associated with the request are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving stream(s), therefore the approval of this renewal of coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3. We are pleased to inform you that the submittal is also sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities.

Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. However you will be responsible for following the general rule requirements contained in 327 IAC 15-1 through 15-4 and 15-7, which were sent to you with your original approval letter. 327 IAC 15 is also available on the internet at <http://www.in.gov/idem/4087.htm>.

The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply. Reporting is to be done using the federal Discharge Monitoring Report (DMR) form and the state Monthly Monitoring Report (MMR) form. The MMR form can be found on the internet at <http://www.in.gov/idem/cleanwater/2396.htm>. Both the state and federal forms need to be completed and submitted on a routine basis. Please note that IDEM no longer accepts paper DMR or MMR forms. All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings at (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>

Mr. Jeffrey J. Olyphant
Page 2

Renewal of coverage for the facility will include all outfalls listed on Attachment 1 to this correspondence. Since the expiration date of IDEM's previous approval of your facility to operate under 327 IAC 15-7 is May 31, 2017 this renewal of coverage under 327 IAC 15-7 shall become effective on **June 1, 2017**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on **May 31, 2022**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to accept your facility for coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-7-5(c); IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Sjj/
Attachment

cc: Gibson County Health Department
Mr. Andrew Nelson, Peabody Midwest Mining,
Mr. Todd Huff, IDNR Division of Reclamation

ATTACHMENT 1

Peabody Midwest Mining, LLC- Somerville Central MineNPDES PERMIT NO. ING040190EFFECTIVE DATE: June 1, 2017IDNR PERMIT NUMBERS S-322

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
006	006	38°, 15', 41.6"	-87°, 21', 49.8"	Alkaline	Donohue Creek
037	037A	38°, 15', 40.6"	-87°, 22', 09.5"	Acid	Donohue Creek
041	041	38°, 16', 01"	-87°, 22', 25.7"	Alkaline	Donohue Creek
138*	038	38°, 14', 21"	-87°, 20', 20"	Alkaline	Smith Fork

* Latitudinal and longitudinal coordinates have been corrected to reflect the actual location of the outfall.

The following nine (9) outfalls have been removed and are no longer covered under this permit:

001	001	38°, 16', 34"	-87°, 22', 22"	Outfall removed	Donohue Creek
031	031E	38°, 15', 21"	-87°, 20', 47"	Outfall removed	Unnamed tributary of Smith Fork
032	032	38°, 14', 24"	-87°, 20', 36"	Dropped	Smith Fork
033	033	38°, 16', 16"	-87°, 19', 11"	Outfall removed	Unnamed tributary of Smith Fork
034	034	38°, 16', 47"	-87°, 18', 47"	Outfall removed	Unnamed tributary of Wheeler Creek
035	035	38°, 15', 58"	-87°, 22', 11"	Outfall removed	Donohue Creek
038*	038	38°, 14', 27"	-87°, 20', 25.4"	Outfall removed	Smith Fork
039	039	38°, 15', 27"	-87°, 21', 11"	Undetermined	Smith Fork
040	040	38°, 15', 36"	-87°, 21', 18"	Outfall removed	Donohue Creek
043	043	38°, 15', 59"	-87°, 19', 55"	Outfall removed	Unnamed tributary of Smith Fork

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2017 – 3D -GP

DATE OF NOTICE: March 16, 2017

The Office of Water Quality approves the following for NPDES GENERAL PERMIT coverage.

RENEWAL

PEABODY MIDWEST MINING, LLC – SOMERVILLE CENTRAL MINE, Permit No. ING040190, GIBSON COUNTY, Elberfeld, IN. This facility discharges non-process wastewater from a coal mining, processing and reclamation site to Saunders Ditch. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
	X		ING040190	

II. GENERAL INFORMATION										
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.										
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Peabody Midwest Mining, LLC. Attn: Jeffrey J. Olyphant				1211		Gibson		S-0322		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Peabody Midwest Mining, LLC.				Latitude			Longitude			
STREET ADDRESS 566 Dickeyville Road				Degrees	minutes	seconds	degrees	minutes	seconds	
CITY Lynnville	STATE IN	ZIP CODE 47619		38°	15'	52"	87°	21'	48"	
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Peabody Midwest Mining, LLC. – Somerville Central Mine				Township		Range		Section		Quartersection
				3S		9W		1, 4- 9, 12, 13, 18- 20, 24, 30		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid						
STREET ADDRESS 8278 South C.R. 850E				STREET ADDRESS N/A						
CITY Elberfeld	STATE IN	ZIP CODE 47613		CITY N/A		STATE N/A		ZIP CODE N/A		

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Jeffrey Olyphant, Authorized Representative	Andrew Nelson, Authorized Representative
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 922-1047	(812) 922-1045
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
jolyphant@peabodyenergy.com	anelson@peabodyenergy.com

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.		
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		d. <u>STREET ADDRESS</u> 566 Dickeyville Road		
b. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		e. <u>CITY</u> Lynnville	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47619
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.		
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		k. <u>STREET ADDRESS</u> 566 Dickeyville Road		
i. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		l. <u>CITY</u> Lynnville	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47619
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> Andrew Nelson Peabody Midwest Mining, LLC.		
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1045		r. <u>STREET ADDRESS</u> 566 Dickeyville Road		
p. <u>CONTACT EMAIL ADDRESS</u> anelson@peabodyenergy.com		s. <u>CITY</u> Lynnville	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47619

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES X NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

This facility is a surface coal mine. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI											

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please see the attached map.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

Please see the attached proof of publication.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please see the attached potentially affected person form.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is attached to this application.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Clay Dayson, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438-9517 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Jeffrey J Olyphant, Authorized Representative

(812) 922-1047

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

Attachment VI

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001	38	16	34	87	22	22	0	Dropped	N	Donohue Creek
006	006	38	15	41.6	87	21	49.8	0	Alkaline	N	Donohue Creek
031	031E	38	15	21	87	20	47	0	Dropped	N	Unnamed tributary to Smith Fork
032	032	38	14	24	87	20	36	0	Dropped	N	Smith Fork
033	033	38	16	16	87	19	11	0	Dropped	N	Unnamed tributary to Smith Fork
034	034	38	16	47	87	18	47	0	Dropped	N	Unnamed tributary to Wheeler Creek
035	035	38	15	58	87	22	11	0	Dropped	N	Donohue Creek
037	037A	38	15	40.6	87	22	09.5	0	Acid	N	Donohue Creek
038	038	38	14	27.1	87	20	25.4	0	Dropped	N	Smith Fork
039	039	38	15	27	87	21	11	0	Dropped	N	Smith Fork
040	040	38	15	36	87	21	18	0	Dropped	N	Donohue Creek
041	041	38	16	01	87	22	25.7	0	Alkaline	N	Donohue Creek
043	043	38	15	59	87	19	55	0	Dropped	N	Unnamed tributary to Smith Fork
138	038	38	14	21	87	20	20	0	Alkaline	N	Smith Fork

*DWBF – Dry Weather Base Flow

